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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,339	06/19/2001	Ron Barnes	2079.001300/P6230	3322

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EXAMINER

TWEEL JR, JOHN ALEXANDER

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,339

Applicant(s)

BARNES ET AL.

Examiner

John A. Tweel, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 and 63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 and 63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3 & 4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - Page 5, Line 16: There is an extra comma after "fluorescent".
 - Page 7, Line 10: A word such as --to-- is needed after "corresponds".Appropriate correction is required.

Claim Objections

2. Claim 33 is objected to because of the following informalities: The word --light-- has been misspelled as "liqht". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-4, 6, 7, 9-11, 13, 20-22, 24, 25, 27, 29, 32-34, 36-39, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by **Mittler** [U.S. 6,686,847].

For claim 1, the apparatus capable of displaying a logo taught by **Mittler** includes the following claimed subject matter, as noted, 1) the claimed light source capable of emitting light is met by the light emitting diode (No. 10), and 2) the claimed translucent portion is met by the diffusing overlay (No. 18) using printed translucent inks wherein the overlay is capable of receiving light from the LED and is capable of allowing the light to propagate through.

For claim 2, the system of **Mittler** uses white light. White is certainly one color.

For claim 3, the light source of **Mittler** is disposed behind the translucent portion.

For claim 4, the light source of **Mittler** is a light emitting diode.

For claim 6, the overlay of **Mittler** has a back surface and further comprises a light box (No. 14) capable of reflecting light emitted by the light source toward the back surface of the overlay.

For claim 7, Figures 1 and 3 of **Mittler** show the cavity (No. 14) having rear and front openings, a wall therebetween capable of reflecting the light emitted from the LED wherein the front opening is adjacent the back surface of the overlay.

For claim 9, the claimed bezel is met by the front cover (No. 32), wherein the overlay is disposed in the front cover.

For claim 10, the overlay of **Mittler** has a back surface and further comprises a light box (No. 14) capable of reflecting light emitted by the light source toward the back surface of the overlay.

For claim 11, figures 1 and 3 of **Mittler** show the cavity (No. 14) having rear and front openings, a wall therebetween capable of reflecting the light emitted from the LED wherein the front opening is adjacent the back surface of the overlay.

For claim 13, figures 1 and 3 of **Mittler** show the cavity (No. 14) having rear and front openings, a wall therebetween capable of reflecting the light emitted from the LED wherein the front opening is adjacent the back surface of the overlay, the front cover has a rear surface and the cavity is attached to the rear surface of the bezel.

For claim 20, the apparatus for displaying a logo capable of glowing taught by **Mittler** includes the following claimed subject matter, as noted, 1) the claimed light source is met by the LED (No. 10), 2) the claimed bezel is met by the front cover (No. 32), 3) the claimed logo badge is met by the overlay (No. 18) comprising a translucent portion wherein the logo is applied using translucent inks, a background portion composed of the clear portion surrounding the graphics, wherein the overlay is disposed in the bezel.

For claim 21, the system of **Mittler** uses white light. White is certainly one color.

For claim 22, the light source of **Mittler** is a light emitting diode.

For claim 24, the overlay of **Mittler** has a back surface and further comprises a light box (No. 14) capable of reflecting light emitted by the light source toward the back surface of the overlay.

For claim 25, Figures 1 and 3 of **Mittler** show the cavity (No. 14) having rear and front openings, a wall therebetween capable of reflecting the light emitted from the LED wherein the front opening is adjacent the back surface of the overlay.

For claim 27, Figures 1 and 3 of **Mittler** show the cavity (No. 14) having rear and front openings, a wall therebetween capable of reflecting the light emitted from the LED wherein the front opening is adjacent the back surface of the overlay.

For claim 29, figures 1 and 3 of **Mittler** show the cavity (No. 14) having rear and front openings, a wall therebetween capable of reflecting the light emitted from the LED wherein the front opening is adjacent the back surface of the overlay, the front cover has a rear surface and the cavity is attached to the rear surface of the bezel.

For claim 32, the computer system taught by **Mittler** includes the claimed subject matter, as noted, 1) the claimed chassis is met by the rear circuit board (No. 34) and associated apparatus shown in Figure 3, 2) the claimed light source is met by the LED (No. 10), and 3) the claimed bezel is met by the front cover (No. 32) adjacent the circuit board, wherein the bezel comprises a logo (No. 18) capable of receiving the light emitted by the light source and allowing the light to propagate therethrough.

For claim 33, the system of **Mittler** uses white light. White is certainly one color.

For claim 34, the light source of **Mittler** is a light emitting diode.

For claim 36, the light source of **Mittler** has been attached to the rear circuit board.

For claim 37, the logo of **Mittler** is printed using translucent inks.

For claim 38, the overlay of **Mittler** has a back surface and further comprises a light box (No. 14) capable of reflecting light emitted by the light source toward the back surface of the overlay.

For claim 39, Figures 1 and 3 of **Mittler** show the cavity (No. 14) having rear and front openings, a wall therebetween capable of reflecting the light emitted from the LED wherein the front opening is adjacent the back surface of the overlay.

For claim 41, Figures 1 and 3 of **Mittler** show the cavity (No. 14) having rear and front openings, a wall therebetween capable of reflecting the light emitted from the LED wherein the front opening is adjacent the back surface of the overlay, the front cover has a rear surface and the cavity is attached to the rear surface of the bezel.

5. Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by **Brandes et al** [U.S. 5,090,589].

For claim 16, the logo badge taught by **Brandes** includes the following claimed subject matter, as noted, 1) the claimed translucent portion is met by the logo (L) seen in Figure 1 where a translucent logo is seen on the front of a vending machine, and 2) the claimed opaque portion is met by the surrounding portion of the front of the vending machine around the logo portion.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 8, 12, 14, 15, 23, 26, 28, 30, 31, 35, 40, and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mittler** [U.S. 6,686,847].

For claim 5, the **Mittler** reference includes an LED; however, many different illumination methods are available to the user or designer of the invention that would produce the exact same result. As there is no appreciable difference between an LED and another well known and common type of light source, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an alternative form of light source for the purpose of using a commonly used source to maximize the usefulness of the invention.

For claim 8, the use of a matte finish is considered an obvious variation on the **Mittler** reference in that a matte finish in the light cavity would not produce a new or unexpected result. As the light still reaches the logo in both cases, this is not considered a patentable innovation.

For claim 12, the use of a matte finish is considered an obvious variation on the **Mittler** reference in that a matte finish in the light cavity would not produce a new or unexpected result. As the light still reaches the logo in both cases, this is not considered a patentable innovation.

For claim 14, the use of a matte finish is considered an obvious variation on the **Mittler** reference in that a matte finish in the light cavity would not produce a new or unexpected result. As the light still reaches the logo in both cases, this is not considered a patentable innovation.

For claim 15, the exact method of attaching the cavity onto the front cover of **Mittler** is not considered a patentable innovation as a myriad of attachment methods are at the user's disposal, such as adhesives, heat staking, incorporation during manufacture, and screws and rivets.

For claim 23, the **Mittler** reference includes an LED; however, many different illumination methods are available to the user or designer of the invention that would produce the exact same result. As there is no appreciable difference between an LED and another well known and common type of light source, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an alternative form of light source for the purpose of using a commonly used source to maximize the usefulness of the invention.

For claim 26, the use of a matte finish is considered an obvious variation on the **Mittler** reference in that a matte finish in the light cavity would not produce a new or unexpected result. As the light still reaches the logo in both cases, this is not considered a patentable innovation.

For claim 28, the use of a matte finish is considered an obvious variation on the **Mittler** reference in that a matte finish in the light cavity would not produce a new or unexpected result. As the light still reaches the logo in both cases, this is not considered a patentable innovation.

For claim 30, the use of a matte finish is considered an obvious variation on the **Mittler** reference in that a matte finish in the light cavity would not produce a new or

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unexpected result. As the light still reaches the logo in both cases, this is not considered a patentable innovation.

For claim 31, the exact method of attaching the cavity onto the front cover of **Mittler** is not considered a patentable innovation as a myriad of attachment methods are at the user's disposal, such as adhesives, heat staking, incorporation during manufacture, and screws and rivets.

For claim 35, the **Mittler** reference includes an LED; however, many different illumination methods are available to the user or designer of the invention that would produce the exact same result. As there is no appreciable difference between an LED and another well known and common type of light source, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an alternative form of light source for the purpose of using a commonly used source to maximize the usefulness of the invention.

For claim 40, the use of a matte finish is considered an obvious variation on the **Mittler** reference in that a matte finish in the light cavity would not produce a new or unexpected result. As the light still reaches the logo in both cases, this is not considered a patentable innovation.

For claim 42, the use of a matte finish is considered an obvious variation on the **Mittler** reference in that a matte finish in the light cavity would not produce a new or unexpected result. As the light still reaches the logo in both cases, this is not considered a patentable innovation.

For claim 43, the exact method of attaching the cavity onto the front cover of **Mittler** is not considered a patentable innovation as a myriad of attachment methods are at the user's disposal, such as adhesives, heat staking, incorporation during manufacture, and screws and rivets.

For claim 44, power sources and associated switches are not new in electronic devices. The inclusion of one in the **Mittler** reference is not a patentable innovation as these have been used in electronic systems for many years.

8. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Brandes et al** [U.S. 5,090,589].

For claim 17, the exact color of the logo found in **Brandes** is not considered a patentable innovation as logos come in many colors and resultant wavelengths. As this does not produce a new or unexpected result, this is considered an obvious variation on an already existing system.

For claim 18, the bowed front of the vending machine of **Brandes** is made of plastic. Plastic is certainly capable of being insert molded.

For claim 19, the color of the portion surrounding the logo corresponds to the color of the front panel.

9. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Mittler** in view of **Koo** [U.S. 6,684,338].

For claim 63, the method of displaying a glowing logo taught by **Mittler** propagates light corresponding to a logo; however, the reference does not change the color of the light according to a state of the computer system.

The apparatus and method for power management of computer system taught by **Koo** includes an LED (No. 42) capable of displaying the power management mode of the computer system wherein the LED is at least two colors. This reference is ample evidence that lighted indicators have been used to depict two different states of a computer system.

The Mittler reference pertains to lighted indicators. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a dual color LED in the system of Mittler for the purpose of displaying a multitude of computer states.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Temple [U.S. 6,737,983] depicts a display board having LED messages thereon.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 703 308 7826. The examiner can normally be reached on M-F 10-6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 703 305 4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAT
5/29/04



JOHN TWEEL
PRIMARY EXAMINER